

**UNC Workgroup 0448 Minutes**  
**Aligning UNC with Licence Conditions relating to European legislative change**  
**Thursday 31 October 2013**  
**By Teleconference**

**Attendees**

Tim Davis (Chair)	(TD)	Joint Office
Bob Fletcher (Secretary)	(BF)	Joint Office
Abid Sheikh	(AS)	Ofgem
Colette Baldwin	(CB)	E.ON UK
Erika Melen	(EM)	Scotia Gas Networks
Graham Jack	(GJ)	British Gas
Hilary Chapman	(HC)	Xoserve
Joanna Ferguson	(JF)	Northern Gas Networks
Les Jenkins	(LJ)	National Grid NTS
Sean McGoldrick	(SMc)	National Grid NTS

*Copies of all papers are available at: [www.gasgovernance.co.uk/0448/311013](http://www.gasgovernance.co.uk/0448/311013)*

*The Workgroup Report is due to the Panel by 19 December 2013*

**1.0 Review of Minutes**

The minutes were accepted.

**2.0 Discussion**

SMc explained the recent changes to the modification and confirmed that these were based on the comments from the last meeting. However, additional comments had now been received from Ofgem.

AS explained the comments he had sent through earlier that morning. He had concerns about the raising of alternative modifications and how this related to the changes in the licence, adding if Ofgem can raise a modification, it should also be able to raise an alternative modification (if it is related to a European Modification subject). SMc disagreed, as he did not think the Licence indicates that the Authority may raise alternatives.

TD provided a view on the options for raising a modification and alternatives, explaining that it is down to the Panel, not the Proposer, to decide if a modification is an alternative. As the intention of the text is that European Modifications raised by Ofgem should follow the normal modification process, the Panel would be able to determine whether or not any such modification should be an alternative.

AS disagreed that Ofgem would direct that a modification is a European Modification. There would be circumstances in which a timetable would be directed, but this was not reflected in the legal text proposed for Modification 0448. SMc was concerned that amending this would cause a conflict in 6.8.1 and creates a separate process for European Modifications, which he did not think was the intent.

SMc wanted to know, if a modification is not considered to be a special category, how do industry participants know it is a European Modification. AS felt this would be known by the direction of the timetable as this is likely to be linked to an event or change in legislation directed by Europe.

AS thought it was likely that a European Modification would have a timetable assigned by Ofgem as he could not see circumstances where it would not be desirable. TD noted that Modification 0461 is an existing example that would fit the definition of European, but where the setting of a timetable would, in his opinion, be both unnecessary and ill advised. Given this, it seemed sensible to allow that a timetable may not always be directed when a European Modification is identified. TD agreed that, if Ofgem has no power to direct that a modification is European but only to direct a timetable, then the current drafting proposed for 6.8.1 would be ineffective.

SMc did not think the comments provided by Ofgem should delay progress of the Workgroup Report as they were mainly required for clarity, with the possible exception of any changes required to 6.8.

GJ questioned whether “unless” or “until such time” should be used in 6.8.1, since until such time implies that the event will occur at some point.

### **3.0 Workgroup Report**

TD explained the differences between the Workgroup Report and the wording in Modification 0448. TD then ran through the relevant objectives and all suggested changes were captured and agreed for inclusion in the report. what process is followed should a European Modification be raised.

The Workgroup Report was finalised for submission to the November Panel with a recommendation that, subject to the expected changes to the legal text not revealing material issues, the modification should be issued for consultation.

### **4.0 Diary Planning**

No further meetings planned.